



COUNTY COUNCIL PUBLIC HEARING: WATER & SEWER PLAN AMENDMENTS

August 13, 2008

NOTICE TO: Category Change Request Applicants, Property Owners, and Other Interested Parties
Clarksburg Historic District Property Owners (see pg. 3)
Owners of County Properties Abutting the Proposed Laytonsville Water Mains (see pg. 4)

FROM: Alan Soukup, Senior Planner, Water and Wastewater Policy Group, DEP

SUBJECT: Public Hearing on Proposed Water/Sewer Category Map Amendments

TIME: Tuesday, September 9, 2008, at 7:30 p.m.

LOCATION: Seventh Floor Hearing Room, Council Office Building, 100 Maryland Ave., Rockville

As required by State law, the County Council will hold a public hearing (at the time and location stated above) on requested water/sewer service area category changes, which are proposed map amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. DEP provides the following information to assist both applicants and the public in navigating the Council's hearing and decision process.

What are category change requests?

The *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* establishes a water and sewer service area category for each property within the county, as follows:

- Category 1 for properties approved for and generally with access to public service.
- Category 3 for properties planned, approved, and with the highest priority for public service.
- Categories 4 or 5 for properties planned for future public service, but which need to use private, on-site systems (usually wells and septic systems) in the interim.
- Category 6 for properties that will use private, on-site systems, where public service is not planned.

The chart that follows on page 6 provides more detailed information on service area categories.

Requests to change the established water and/or sewer service categories are requests to amend the Plan. Typically, a property owner will request a category change in order to allow a property served by on-site systems (categories 4, 5, or 6) to use public systems (categories 1 or 3). Service policies in the Water and Sewer Plan provide the framework for establishing service area categories. The Plan is adopted and amended by the County Council, and administered by the Department of Environmental Protection (DEP).

How do I provide the Council with testimony about a particular amendment?

To testify at the public hearing, please call the **Council Office at 240-777-7931** in advance of the hearing. **Do not call DEP** to sign up to testify. Council office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m. If time permits, those who have not already reserved a spot on the speakers' list *may* be heard at the end of the hearing; give your name to the Council Secretary when you arrive. You may cede your time to another speaker; however, you must be present at the hearing to do so.

The Council's Transportation, Infrastructure, Energy, and Environment (T&E) Committee usually conducts Water and Sewer Plan hearings. An individual's time is usually limited to three (3) minutes; Councilmembers may ask subsequent questions of the speakers. When testifying, please state your name and address for the hearing record. To present written copies of your testimony at the hearing, please bring at least three (3) but preferably 12 copies, and provide them to the Council secretary before the hearing.

Because of limitations both on the number of speakers and their speaking time, the Council also accepts written testimony, which becomes part of the official hearing record, and is given the same consideration as oral testimony. Call the Council Office to confirm the **closing date** for the hearing record. Address written testimony as follows:

Mr. Michael Knapp • Montgomery County Council • 100 Maryland Avenue • Rockville, Maryland 20850
(phone: 240-777-7900 • fax: 240-777-7888 • e-mail: county.council@montgomerycountymd.gov)

What if I need information or other assistance for my testimony?

A copy of the Executive's recommendation and staff report for the amendment(s) of concern to you is available on our DEP "Waterworks" webpage at www.montgomerycountymd.gov/waterworks. For additional background information, call the Council Office at 240-777-7900; staff there will send you the appropriate materials. Council agendas and staff reports are available at the County's website: www.montgomerycountymd.gov; select the Council's page, then "agendas". DEP staff can also help with background material and information. See our webpage at the internet address shown above, or contact me by e-mail at alan.soukup@montgomerycountymd.gov, by phone at 240-777-7716, or by fax at 240-777-7715.

What happens after the hearing? When will the Council make a decision on the amendments?

The hearing provides the Councilmembers an opportunity to hear testimony from the public and the applicants; **they will not act on the amendments at that time.** Following the hearing, the T&E Committee will hold a worksession to consider the testimony provided and the agency recommendations on each amendment. They will develop a draft resolution for the full Council to consider. The Council will subsequently hold a worksession to consider the Committee's draft resolution. The Council may choose to approve, conditionally approve, deny, or defer an individual request as part of their action. A week or two after the worksession, the full Council will take a final vote on the resolution to amend the Plan.

The T&E worksession is currently scheduled for Monday, September 15, 2008; the full Council's worksession is not yet scheduled. Public notice of the worksessions will be provided in the Council's agenda, by mail or on the internet (see above). To receive the agenda by mail or e-mail, please contact the Council at 240-777-7900. Committee and Council meetings are open to the public, although the opportunity for public comment is limited and is at the discretion of the Committee chairperson or Council president.

How is the Park and Planning Commission involved in this process?

The Planning Board will consider recommendations from Maryland - National Capital Park and Planning Commission (M-NCPPC) staff and testimony on the proposed amendments. (Date to be announced.) The Board will send its recommendations to the Council as part of the hearing record. Please visit the Planning Board's website at www.montgomeryplanningboard.org for a copy of the Board's agenda or additional information. You may also contact Katherine Nelson in the M-NCPPC Environmental Planning Unit at 301-495-4622 or at Katherine.Nelson@mncppc-mc.org.

How will I find out about the Council's decision? Is that decision final?

The County Executive has 10 working days to review and comment on the Council's resolution. Following this, the Council will send copies of the resolution to the public (those on DEP's notice list and others who provide testimony), to various County agencies, and to the Maryland Department of the Environment (MDE). Within 90 days, the State must act to concur, concur in part, or disallow the County's action. MDE also has the option to extend its review for another 90 days. During this review, applicants may proceed with development plans at their own risk, including applying to WSSC for water/sewer service and proceeding to the Planning Board for plan approval. MDE concurs with the Council's actions on the vast majority of amendments; however, DEP will notify you if the State changes the Council's action in any way.

How do I find the hearing location?

The Council Office Building (COB) is located at 100 Maryland Ave., between Fleet St. and E. Jefferson St. (Route 28), in Rockville. Parking in the adjacent COB Garage is free for the first hour and free after 6:00 p.m.

- **From Metrorail/MARC:** Exit the Rockville Station via the Route 355 pedestrian overpass. At the bottom of the steps, continue straight along E. Montgomery Ave., past the movie theater. Turn left at Maryland Ave. Cross E. Jefferson St. (MD Route 28) and the COB will be on your left.
- **From Interstate 270:** Exit onto W. Montgomery Ave. (MD 28 east), turn right at the entrance to the COB Garage after Maryland Avenue, just before Monroe Street.
- **From northbound Rockville Pike (Route 355):** Turn right onto E. Jefferson St. (MD 28 west), turn left at Monroe Street, and then immediately right into the COB Garage driveway.

- **From southbound Rockville Pike:** Turn left onto E. Jefferson St. (MD 28 west); then at the first traffic light, left onto Monroe Street; and then immediately right into the COB Garage driveway.

Specific Issues Related to the CLARKSBURG HISTORIC DISTRICT

The Couth Executive's recommendations in this packet include the designation of the properties in the Clarksburg Historic District as part of a public health problem area. A review of septic system records by the Dept. of Permitting Services (DPS) and DEP revealed existing and potential septic system problems within this area sufficient to warrant this recommendation. The July 2008 transmittal packet available on-line at DEP's "waterworks" webpage (www.montgomerycountymd.gov/waterworks) provides a staff report which includes more background on this issue and a summary of the agency findings.

What is a public health problem designation?

We use this designation in the Water and Sewer Plan to identify neighborhoods where the County needs to focus attention on the condition of wells and/or septic systems. In some cases, we find active failures of private, on-site systems, such as dry or contaminated wells and septic systems backed up onto yards or into homes. In other cases, the concern involves potential problems, such as properties too small in size to allow for replacement wells or septic systems and poor soil conditions not revealed by older, outdated testing standards. These conditions can adversely affect public and environmental health. The County then works to identify plans and methods needed to relieve the public health problem. These may include extending public water or sewer service, or promoting the use of innovative on-site replacement systems.

Why does the County Council need to address this issue?

Under the Water and Sewer Plan, DEP, in cooperation with DPS, has the authority to designate a public health problem for an individual property. That designation applies to only that one property. A public health problem area covers a broader extent: a cluster of lots, a block or two, or an entire neighborhood. When addressing larger areas, a public health designation may include some properties that would not necessarily qualify as health problems individually. This is especially important with regard to health problem areas where the County intends the extension of public sanitary service. Any property owner within the designated health problem area – not just those with existing problems – may request public service. This helps to promote the installation of needed water or sewer mains and, through the participation of more property owners, makes those mains somewhat more affordable to build. Changes to the Water and Sewer Plan of this magnitude usually require the County Council's consideration and action.

What does a public health problem area designation mean for my property?

Some public health problem areas are located outside of the envelopes planned for public water and/or sewer service. The health problem area designation (and an associated service area category change) allows WSSC to provide public service to these properties when it is sought. In the case of the properties in the Historic District, the 1994 master plan anticipated the provision of public water and sewer service. The health problem area designation will establish a higher priority for sewer service. WSSC will expedite projects for new sewer connections and new sewer mains, placing them at the front of their review, approval, and construction processes. In addition, where a new main extension is built for an owner-occupied residential property, WSSC does provide a small health problem subsidy for sewer construction costs on WSSC-built projects. The subsidy does not apply to System Expansion Permit (SEP) projects where the applicant builds the required mains and then dedicates them to WSSC. SEP projects include those built for residential subdivisions and non-residential uses.

Please note however that the public health problem designation does not initiate or guarantee the provision of public service to a specific property. The owner must still apply to WSSC for service and finance service extensions and connections according to WSSC's policies. For more information on WSSC's service policies, please see the Development Services Group (DSG) web-page, or contact WSSC-DSG at 301-206-8650.

What will happen if the Council approves a health problem area designation for the Historic District?

We expect that eventually all properties in the Historic District will have access to and will hopefully connect to public sewer service. Public water service is generally available throughout the area. The new development occurring around the Historic District provides better and somewhat more affordable opportunities for extending public sewer service to these properties. As noted previously, WSSC will assign an expedited priority for sewer projects needed to bring public service to properties with the Historic District public health problem area.

As a next step in this process, DEP will complete approvals for category changes for Historic District properties located south of Clarksburg Road. This will allow WSSC to proceed with providing sewer service to these properties as it is requested. A WSSC study of the Historic District indicates that those properties located north of Clarksburg Road would be best served by sewerage systems that we expect to be constructed for the 1994 master plan's stage 4 development in the Ten Mile Creek watershed, generally the area bounded by Clarksburg Road (MD Rte. 121), Ten Mile Creek, and West Old Baltimore Road. We expect that the County Council will start to address the master plan's development recommendations for this part of Clarksburg during the next year.

Specific Issues Related to Service from NEW WATER MAINS IN THE VICINITY OF LAYTONSVILLE

The County, WSSC, and the Town of Laytonsville have been working for several years now on plans to extend public water service to the majority of properties located within the town. These plans have proceeded now to the point where we understand where the new water mains will run that will extend service to the town. (Please refer to the July 2008 transmittal packet to the County Council available on-line at DEP's "waterworks" webpage, www.montgomerycountymd.gov/waterworks, which provides a map showing the proposed water main alignments.) Of necessity, these new water mains will pass by and provide the opportunity for public water service to many county properties located outside the town. The July 2008 Council packet advises the Council of DEP's intent to include these properties in a general water category map amendment that will allow WSSC to provide water service to these properties.

If a water main will be available, why does my property need a category change to get water service?

Presently, the Water and Sewer Plan designates these properties as water category W-6. As noted previously, properties in category W-6 are planned to use on-site wells, not public water service. Therefore under the County's and WSSC's service policies, WSSC may not serve a property designated as W-6 until the County has approved public water service for that property by moving it into categories W-1 or W-3. This requires the approval of a water category change. Often, these changes are requested by individual property owners. However, because of the number of properties that will abut these new water main extensions, DEP has proposed handling them together as a general water category map amendment. We anticipate including the general map amendment as part of a DEP administrative hearing in late October. Affected property owners will receive a subsequent notice of this administrative hearing from DEP.

Do I need to decide now about connecting to public water service?

No, you do not have to decide now about whether or not to have WSSC serve your property. However, asking WSSC for a water service connection now, as opposed to after the water mains are built does provide a few advantages:

- Your water service connection will cost less now than if you wait until after the mains are built. It is easier and cheaper for WSSC to construct water connections along with a new main, rather than after the main is completed and buried. At WSSC's current rates, a 1-1/2 inch water connection will cost \$2,500 if built along with the main, as opposed to \$7,000 if built later. *(Please refer to the following page for important information regarding the timing of water connection requests for this project.)*
- Having your water connection built now instead of later potentially reduces disruption to your property from water service construction.

The size of this water main project and the potential number of water service connections involved has resulted in WSSC establishing an application cut-off date in October 2008 for water connections to be built along with the new Laytonsville water mains. Because these properties are currently in category W-6, DEP must specifically authorize WSSC to provide the requested water service connections. **Property owners will need to notify DEP of their request for a public water service connection no later than Wednesday, October 1, 2008, in order to have their connection installed along with the new main.** Please contact Alicia Youmans in DEP at 240-777-7738 or at alicia.youmans@montgomerycountymd.gov for further information.

Note that you do not have to plan on installing a water service connection now or in the future, provided your well continues to function safely and adequately. If your existing well fails and public water service is available to your property with a W-1 category designation, the County will expect you to connect to and use public water service.

Does installing a water connection mean that I must switch to public water service?

Usually, property owners who move forward with a water service connection also proceed with the actual provision of public water service at the same time. In addition to the service connection, water service will also require your plumber to construct the on-site water hookup. This pipe runs from the WSSC water connection at the property line to the house or other building receiving service. Most owners also abandon their existing water well, a procedure that must satisfy regulatory requirements enforced by DPS. Your plumber may also identify improvements needed to your home's plumbing system as part of switching from a well to public water service.

However, some owners only want a water connection for later use, perhaps as a hedge against a future well failure or as a selling point for a future owner. You do not have to complete the switch over to public water service even if you apply and pay for a WSSC water connection now. As noted previously, once your property is designated as category W-1, meaning that public water service is available, the County will expect you to connect to and use public service if your existing well fails.

Do I have to pay for the new water mains?

WSSC will assess a front-foot benefit charge (FFBC) to property owners who decide to connect to public water service. The FFBC helps to pay the cost of local service mains constructed adjacent to the owner's property. You pay the FFBC on your property tax bill annually for a period of 23 years. The FFBC is calculated based on your frontage along the public right-of-way, generally the street in front of your home. The current water assessment rate is \$4.00 per linear frontage foot (for the first 150 feet of frontage). If your service started this year and your frontage is 125 feet, then you would see a \$500 FFBC annual assessment for water service on your tax bill. Your assessment would be paid off in about 2031. The FFBC assessment runs with the property and transfers to subsequent owners.

WSSC charges this assessment only to properties receiving public service from WSSC mains. WSSC will not charge an assessment when a new water main is constructed in front of your house if you choose not to connect to public service and just use your existing well. If you decide to connect to public water service a few years later, your FFBC will start in that year. Your FFBC is based on the assessment rate for the year your service starts. Assessment rates tend to rise over time, so if you wait for water service until later, your FFBC will likely be higher than it would be under the current rate. Please note that this exemption from the FFBC does not apply to vacant, unimproved properties.

WATER & SEWER SERVICE AREA CATEGORIES

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. B This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	<i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan</i> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven-through ten-year period. B This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. B Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.	

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know both the water **and** sewer service area categories for a property.

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**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S JULY 2008 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

Plan Amendment No. & Owner Location – Proposed Use	Zoning & Acreage Requested Change(s)	Executive Recommendation & Policy Highlights Summary	Packet Page No.	
CLOVERLY – NORWOOD PLANNING AREA				
WSSCR 08A-CLO-02 * 219 Ednor Road, LLC 219 Ednor Rd., Layhill Use: place of worship (Debre Selam Kidest Mariam Church), replacing the existing agricultural and residential uses	RE-2; 32.7 ac. W-6 to W-3 S-6 to S-1 ^E ^E PIF use only	Defer pending submittal and review of site-specific development plan. <i>Private institutional facilities (PIF) policy applied to the RE-2 zone in Cloverly.</i>	Report: 1 Maps: 6	
DAMASCUS PLANNING AREA				
WSSCR 08A-DAM-01 ^A Michael & Mary McGrady 24700 Kings Valley Rd., Damascus Use: public sewer service for the expansion of an existing single-family house (site includes existing agricultural use)	RDT; 13.0 ac. (Keep W-1 ^C) S-6 to S-1 ^D ^C for one water hookup only ^D for one sewer hookup only	Approve S-1, for one sewer hookup only. <i>Abutting mains policy; property is zoned RDT. The requested sewer hookup cannot be used for a PIF use without the Council's consideration of a separate map amendment request for that specific use.</i>	Report: 11 Map: 16	
^A Deferred from AD 2008-1				
FAIRLAND – BELTSVILLE PLANNING AREA				
WSSCR 08A-FAI-02 ^A Sandy Spring Road, LLC 4011 – 4101 Sandy Spring Rd. (MD 198), Burtonsville Use: office, retail & restaurant; replacing existing auto sales.	I-1 1.56 ac.	W-6 to W-1 S-5 to S-1	Report: 20 Maps: 21	
^A Deferred from AD 2008-1				
PATUXENT WATERSHED CONSERVATION PLANNING AREA				
WSSCR 08A-PAX-01 * Burtonsville Associates, LLC 16000 Block of Columbia Pk., Burtonsville Use: senior adult housing on vacant site	RC 9.52 ac.	W-6 to W-3 S-6 to S-3	Defer pending Board of Appeals action on the required special exception. <i>Public water and sewer service dependent on special exception use, which should be decided first.</i>	Report: 25 Maps: 27
TRAVILAH PLANNING AREA				
WSSCR 08A-TRV-06 Meenu Bawa & Anand Verma 13517 Glen Mill Rd., Rockville Use: public sewer service for a proposed single-family house on a vacant lot.	RE-1 0.92. ac.	(Keep W-1) S-6 to S-3	Deny S-3; maintain S-6. <i>Request inconsistent with Water/Sewer Plan and master plan. Glen Hills and Piney Branch service policy issues. (previously denied as WSSCR 03A- TRV-14)</i>	Report: 32 Map: 37
UPPER ROCK CREEK WATERSHED PLANNING AREA				
WSSCR 08A-URC-01 ^A Boyd Kline 6720 Olney Laytonsville Rd. (MD 108), Laytonsville Use: public water sewer service for the existing house; planned Laytonsville water main extension will abut the property.	R-200 5.63. ac.	W-6 to W-3 (Keep S-6)	Approve W-3. <i>Water service is consistent with the Water and Sewer Plan and the master plan.</i>	Report: 44 Map: 46
^A Deferred from AD 2008-1				

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S JULY 2008 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

CLARKSBURG HISTORIC DISTRICT PUBLIC HEALTH PROBLEM AREA *

Approve the Historic District as a public health problem area.

Report: 48

A DPS survey shows a majority of properties having existing or potential problems with the continued use of septic systems in this community.

Maps: 54

PROPOSED GENERAL WATER CATEGORY MAP AMENDMENT: COUNTY PROPERTIES NEAR LAYTONSVILLE *

Proceed with a general category map amendment for those county properties abutting the water main extensions to be constructed for service to Laytonsville. Include this amendment in the next available administrative delegation action.

Report: 57

The approval of public water service is consistent with the application of the administrative delegation "abutting mains" policy and, more generally, with the "consistent with existing plans" policy.

Maps: 59

** Issues highlighted in the County Executive's transmittal memorandum.*

2003 Water & Sewer Plan Excerpts:

Private Institutional Facilities (PIF) Policypg. 3

Properties Abutting Mains Policypg. 13

Piney Branch Restricted Access Policypg. 36